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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,322	12/04/2003	Steven Baker	HON 1448-047	7329
8698	7590	10/05/2007		
STANDLEY LAW GROUP LLP 495 METRO PLACE SOUTH SUITE 210 DUBLIN, OH 43017			EXAMINER HAIDER, FAWAAD	
			ART UNIT 3627	PAPER NUMBER
			MAIL DATE 10/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/728,322	Applicant(s) BAKER ET AL.	
	Examiner Fawaad Haider	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 15-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/18/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election with traverse of claims 1-14 in the reply filed on 7/24/2007 is acknowledged. The traversal is on the ground(s) that the subcombinations are not distinct. This is not found persuasive because subcombination II (claims 15-20) has separate utility including identifying a plurality of inventory holding areas and container process flows.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 7, 8, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al (2002/0069141) in view of Beal et al (6,634,506).

Re Claims 1,8: Kawamura discloses calculating a container allocation quantity for each of said plurality of suppliers (see [0012, 0016]); determining a supplier on-hand

container inventory quantity for each of said plurality of suppliers (see [0012, 0017]); determining for each of said plurality of suppliers an actual container quantity based on said container allocation quantity and said supplier on-hand container inventory quantity for each of said suppliers (see [0036, 0037]); shipping from said container inventory holding area to each of said plurality of suppliers said actual container quantity (see Figures 2-3, Abstract). However, Kawamura fails to disclose the following limitations.

Beal discloses creating at least one container inventory holding area in said manufacturer's supply chain (see Figures 4-5); Beal discloses storing at said container inventory holding area a plurality of containers suitable for use by a plurality of suppliers in said manufacturer's supply chain (see Figures 4-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kawamura's invention with Beal's disclosure of inventory holding areas in order to allow for efficient "shipping, storing, and distributing the containers themselves, leading to increased efficiency, productivity, and predictability (See Beal col.3, lines 3-7)."

Re Claims 4, 11: Kawamura discloses further comprising adjusting said actual container quantity for one of said plurality of suppliers based on a request from said supplier (see [0020, 0032, 0036]).

Re Claims 7, 14: Beal discloses wherein said inventory holding area is of the type returnable container center (see Figures 4-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kawamura's invention with Beal's disclosure of inventory holding areas in order to allow for efficient "shipping,

storing, and distributing the containers themselves, leading to increased efficiency, productivity, and predictability (See Beal col.3, lines 3-7)."

4. Claims 5-6 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al (2002/0069141) in view of Beal et al (6,634,506) in further view of Griep et al (2003/0014314).

Re Claims 5-6, 12-13: Both Kawamura and Beal fail to disclose the following limitation, which Griep discloses wherein said supplier on-hand container inventory quantity comprises empty containers at said supplier's facility, or in-transit to said supplier's facility, and full containers waiting to ship, or in-transit to said manufacturer's facility (see [0005, 0048, 0066, 0068]). It would have been obvious to modify both Kawamura and Beal's inventions with Griep's disclosure of containers in-transit in order to "perform collaborative manufacturing work flow utilizing electronic tracking (see [0003])."

5. 4. Claims 2-3 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al (2002/0069141) in view of Beal et al (6,634,506) in further view of Peachey-Kountz et al (6,463,345).

Re Claims 2-3, 9-10: Both Kawamura and Beal fail to disclose the following limitations: a standard allocated days value, determining a process flow of containers, and determining a parts demand value. Peachey-Kountz discloses determining for each of said plurality of suppliers a standard allocated days value (see Figure 1, table 60), which comprises determining a process flow of containers for each of said plurality of suppliers (see Abstract, col.3, lines 61-65); determining for each of

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said plurality of suppliers a parts demand value (see Abstract, col.1, lines 21-28). The examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art to disclose multiplying said standard allocated days value by said parts demand value for each said plurality of suppliers. This would give you the total demand, and this would have been obvious to anyone of ordinary skill in the art.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Navani et al (2002/0069210) discloses a computer method and apparatus for vessel selection and optimization. Willems et al (2002/0072956) discloses a system and method for determining the optimum configuration strategy for systems with multiple decision options. Crampton et al (2003/0177050) discloses a system and method for order group planning with attribute based planning.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fawaad Haider

Examiner

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FIH

 10/1/02
F. RYAN ZEENDER
SUPERVISORY PATENT EXAMINER